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HIGH COURT OF CHHATTISGARH AT BILASPUR

W.P.NO. 2068/2001

PETITIONERS

1. Gurmukh Das, Son of Trilok Chand, aged about 45 years
2. Mohd. Jahid, son of Mohd. Shafi, aged about 30 years
3. Saifuddin, son of Gulam Abbass, aged about 30 years
4. Fazal Abbas, son of Julfekar, aged about 35 years
5. Krishna Kumar, son of Shaduram, aged about 40 years
6. Jouhar Ali, son of Imdad Ali, aged about 30 years
7. Ganesh Prasad Pandey, son of Purushottam Pandey, aged about 40 years
8. Izrail Solanky, son of Shri Ramzan Solanky, aged about 32 years
9. Ramzan Khan, son of Didar Khan, aged about 38 years
10. Mahamuda Bano, son of Qyam Ali, aged about 35 years
11. Yogesh Sahu, son of Shambu Sahu, aged about 28 years
12. Rajesh Rator, son of Mohan Lal Ratore, aged about 30 years
13. Abdul Mujeeb, son of Mohammad Hussain, aged about 28 years

All are R/o. Rajkumar College Ward, G.E. Road Ashram, Opp. Vandana Auto, Raipur (CG)

Vs.

RESPONDENTS

1. State of Chhattisgarh, through the Collector, Raipur
2. The Nazul Officer, Collectorate, Raipur
3. Raipur Municipal Corporation, A body of Corporate Constituted under the Relevant Provisions of M.P. Municipal Corporation Act,

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1956 Having its Office at Malviya Road, Raipur Through the Commissioner of Raipur

4. The Commissioner, Raipur Municipal Corporation, Malviya Road, Raipur

WRIT PETITION UNDER ARTICLE 226 AND 227 OF THE CONSTITUTION OF INDIA

(SB: Hon'ble Mr. **Satish K. Agnihotri, J.)**

Shri B.P.Sharma, counsel for the petitioner.
Shri S.K.Mishra, Panel Lawyer for the State/respondents No. 1 & 2.
Shri H.B.Agrawal, Senior Advocate with Ms. Sangeeta Mishra, counsel for the respondent No.3.

ORAL ORDER

(Passed on this 17th day of November 2007)

Learned counsel appearing for the petitioners submits that the petitioners are small shopkeepers and were carrying on their business at various places in the city of Raipur. They were granted temporary lease for the shops. Now the respondents are trying to dispossess the petitioners from their small shops/Gumtees without affording any opportunity of hearing.

2. In this petition, the petitioners have prayed for a direction to restrain the State/Authorities from demolishing the structure. The petitioners have also prayed that the respondent/Authorities be directed to consider the applications of the petitioners for renewal of their lease.

3. This Court, on 6.5.2004 has passed the following order :

"Having considered the facts and circumstances of the case and material on record, it is directed that if the petitioners are in possession of the shops in question, they shall not be dispossessed till the next date of hearing subject to furnishing a personal bond

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and solvent security of Rs. 5000/- each to the satisfaction of Nazul Officer."

4. Shri S.K.Mishra, learned Panel Lawyer for the State/respondent No. 1 & 2 and Shri H.B.Agrawal, learned Senior Counsel, appearing for the respondent No.3, fairly submit that no steps for demolition of the structure or dispossession of the petitioners from the shops/lands in question shall be taken before affording proper opportunity of hearing to the petitioners, in accordance with law and compliance of the impugned orders shall not be insisted upon.

5. In view of the foregoing, nothing survives in the matter. Accordingly, this petition is disposed of. No order as to costs.

Sd/-
Satish K. Agnihotri
Judge

Sugyna